

## REMARKS/ARGUMENTS

Claims 1, 2, 4, 6-8, and 10-33 are presently pending. Claims 6, 10, 13, and 14 have been cancelled. Claims 2, 4, 7, and 11-31 were previously withdrawn as the result of restriction and election of species requirements; claims 12 and 15 have been rejoined based on an interview with the Examiner, discussed below. Claims 1, 8, 12, 32, and 33 are amended. Claims 34-39 have been added.

Claim 1 is amended to add a fourth tab as previously recited in canceled claim 6, and to recite that the first and second tabs are free of apertures, as may be seen throughout Applicant's FIGS. 1-6. Claims 8 and 32 are likewise amended to recite that tabs extending from the first edge are free of apertures.

Claim 12 is amended to recite a thermal framing component that is interposed between vertical studs. Claims 12 and 33 are amended to recite that the first and second tabs are entirely in the same plane and the third and fourth tabs are entirely within the same plane. Claim 33 is also amended to recite a second rigid insulation sheet. Support for such amendments may be found throughout Applicant's specification and in FIGS. 1-6.

Applicant gratefully acknowledges the Examiner's time spent in an interview on January 14, 2009 (the "Interview"). In the Interview the Examiner agreed to rejoin claim 12 and claims depending therefrom, and to examine such claims. The claim amendments made herein were discussed, and while no agreement was reached, the Examiner said he would consider the amendments in greater detail. The Examiner cited US Patent No. 876,399 to Robinson and US Patent No. 1,867,194 to Taylor during the Interview as being of interest. Claim 12 has been further amended since the Interview for clarity.

***Claim Rejections – 35 U.S.C. § 102***

Claims 1, 6, 10, and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by Loeffler et al. (U.S. Patent 5,653,079). Loeffler is directed to a truss bracket for connecting adjacent truss members. The bracket wraps around the truss members and is fastened to the truss members. The bracket is not fastened to any members other than what it is pulling together. The bracket is to transfer excessive loads from one truss to the other (see Loeffler col. 1, lines 6-9).

Independent claims 1 and 32, as amended, recite that the first and second tabs are free of any apertures. Loeffler does not disclose or suggest tabs that are free of apertures; apertures are required for fasteners to attach the brackets to the truss members, and for the bracket to transfer load between the trusses (see Loeffler FIGS. 1-4). In order for a reference to anticipate a claimed invention, the reference must teach each and every element in the precise arrangement set forth in the claim. If the reference fails to teach even one of the claimed features, the reference does not and cannot anticipate the claimed invention. Based upon at least the structural deficiency of the disclosure in Loeffler identified in the preceding remarks, Applicant respectfully requests that the rejection be withdrawn.

Claims 1, 6, 8, 10, 32, and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Thompson (U.S. Patent 6,640,516). Thompson is directed to a tie down for sheathing to prevent structural damage in the event of a hurricane or earthquake, and includes the use of a sill tie to tie down two sheets of sheathing to a wall stud and sill plate. The tie down is fastened to the sheathing, and transfers load on the sheathing from hurricanes or earthquakes to the structural framing.

As noted above, amended independent claims 1 and 32 recite that the first and second planar tabs are free of any apertures. Thompson does not disclose or suggest tabs that are free of

apertures; apertures are required for fasteners to attach the tie downs to sheathing, which results in the transfer of load from the walls to the foundation and ground (See Thompson col. 3, lines 7-10). Based upon at least this structural deficiency of the disclosure in Thompson, Applicant respectfully requests that the rejection of amended claims 1 and 32 be withdrawn.

With respect to amended claim 33, and rejoined amended claim 12 as well, the first and second tabs are recited to be entirely in the same plane and the third and fourth tabs are entirely within the same plane. Thompson, as may be seen in FIGS. 5-7, discloses tabs that are bent to attach to the sides of studs; such a configuration appears to be considered necessary by Thompson in order to have a secure fastening to handle structural loads (see Thompson col. 9, line 37 through col. 10, line 4). Based upon at least this structural deficiency of the disclosure in Thompson, Applicant respectfully requests that the rejection of amended claim 33 be withdrawn.

Further, claim 12 is amended to recite a thermal framing component that is interposed between vertical studs. The tie downs of Thompson are disclosed to be, and must be, fastened to vertical studs. Applicant respectfully submits that amended claim 12 is allowable. In addition, claim 15 depends from allowable amended claim 12, and is therefore allowable as well.

### *New Claims*

Claims 34-39 are new, and recite elements and combinations of elements not taught or suggested by the cited art. Support for such claims may be found throughout Applicant's specification and drawings. In particular, support for claims 34-38 may be found in FIGS. 1-6 and the accompanying text; specifically for claim 37, see FIG. 5 and paragraph [0027].


### CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all pending claims that are not withdrawn (1, 8, 12, 15, and 32-39) are now in condition for allowance. Accordingly, allowance of such claims is respectfully requested. If the Examiner has any questions about the present Amendment a telephone interview is requested.

Respectfully submitted,

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